

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO.: 25-CV-21566-GAYLES/AUGUSTIN-BIRCH

TASH JERNAZIAN,

Plaintiff,

v.

SUSAN WILSCHKE, et al.,

Defendants.

ORDER

THIS CAUSE comes before the Court on the Report and Recommendation of Magistrate Judge Panayotta Augustin-Birch (the “Report”). [ECF No. 10]. On April 3, 2025, Plaintiff Tash Jernazian (“Plaintiff”) filed his Complaint, [ECF No. 1], and Motion for Leave to Proceed *In Forma Pauperis* (the “Motion”), [ECF No. 3].

Pursuant to Southern District of Florida Administrative Order 2025-11, Plaintiff’s *pro se* case was assigned to Magistrate Judge Augustin-Birch for timely and efficient resolution. [ECF No. 4]. Judge Augustin-Birch, finding that Plaintiff’s Motion did not adequately establish that Plaintiff was impoverished, set a hearing for May 7, 2025. [ECF No. 5]. Plaintiff failed to appear. On May 13, 2025, Judge Augustin-Birch denied the Motion based on Plaintiff’s failure to appear and demonstrate his entitlement to proceed *in forma pauperis*. [ECF No. 8]. Judge Augustin-Birch directed Plaintiff to pay the filing fee within 14 days of her order and stated that failure to comply could result in the dismissal of the case. *Id.*

On June 5, 2025, Judge Augustin-Birch issued her Report recommending dismissal of the case “due to Plaintiff’s failure to pay the full court filing fee, failure to comply with the Court’s Order, and failure to prosecute.” [ECF No. 10]. No party has objected to the Report. On June 5, 2025, the case was reassigned to this Court for an order on the Report.

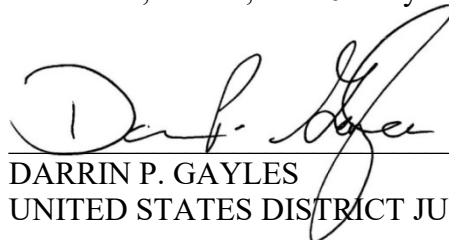
A district court may accept, reject, or modify a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1)(C). The objected portions of the report and recommendation are accorded *de novo* review if those objections “pinpoint the specific findings that the party disagrees with.” *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009); *see also* Fed. R. Civ. P. 72(b)(3). Any portions of the report and recommendation to which *no* specific objection is made are reviewed only for clear error. *Liberty Am. Ins. Grp., Inc. v. WestPoint Underwriters, L.L.C.*, 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001); *accord Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006). Given that Plaintiff has not objected to any portion of the Report, the Court reviewed the Report for clear error. Finding no clear error, the Court agrees with Judge Augustin-Birch’s findings and conclusion that the case should be dismissed.

CONCLUSION

Therefore, it is **ORDERED AND ADJUDGED** as follows:

- (1) The Report and Recommendation, [ECF No. 10], is **ADOPTED in full**;
- (2) This action is **DISMISSED** without prejudice and **CLOSED**.

DONE AND ORDERED in Chambers at Miami, Florida, this 16th day of July, 2025.


DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE